

The Salt Lake Tribune.

WEATHER TODAY—Fair.

SALT LAKE CITY, UTAH, THURSDAY MORNING, AUGUST 19, 1909.

NEWSPAPERS MAY COME, BUT THE TRIBUNE GOES ON IN THE EVENING. It is a fact that the Tribune is the only newspaper in the city that has a policy and lives up to it consistently. The subscriber gets what he is promised and his money's worth. The advertiser—well, he will tell you he gets the best results in the Tribune—better results for his money than in any other paper published in the city.

14 PAGES FIVE CENTS.

WHY APPEARS SUTTON ALONE IS HELD RESPONSIBLE

Controversy With Verdict of Court of Inquiry Gives No Consolation to the Mother and Sister.

WHETHER ACCIDENT OR SUICIDE UNDETERMINED

Charges of Wilful Murder Made by Mrs. Sutton Declared Imaginary.

WASHINGTON, Aug. 18.—Lieutenant Sutton is directly and solely responsible for his own death, which was self-inflicted, either intentionally or in an effort to shoot one of the persons restraining him and his death was not caused by any other injury whatever.

This is the verdict of the navy court of inquiry which for some weeks has had under investigation the cause of the death at Annapolis naval academy in October, 1907, of Second Lieutenant James N. Sutton of the United States marine corps, which verdict has been approved by the judge advocate-general of the navy and by Beckman Withrop, assistant and acting secretary of the navy. The court also finds:

Other Officers Blamed. "That Lieutenant Utley failed in his duty as senior officer present, under article 266, United States navy regulations, 1909, in permitting Lieutenant Sutton to run away and arm himself, instead of calling on those present for assistance and following Lieutenant Sutton preventing him from arming himself, by force, if necessary, and turning him over to the custody of the officer of the day."

"That Lieutenant Bevan, officer of the guard, failed in his duty as officer of the guard in not disarming Lieutenant Sutton by force, while in front of his (Sutton's) tent."

"That Lieutenant Willing, the officer of the day, failed in his duty as officer of the day in not immediately assisting by force in helping to disarm Lieutenant Sutton when he arrived on the scene before the fatal shot was fired."

"That the charges of wilful murder and conspiracy to conceal it, made by the complainant, Mrs. Sutton, mother of Lieutenant Sutton, are purely imaginary and unsupported by even a shadow of evidence, truth or reason."

Clemency Recommended. "The court recommends, however, that in view of the youth and decided inexperience of Lieutenant Utley, Willing and Bevan at the time, and of the altogether unusual conditions of excitement, threats and danger during the aforementioned fact, that no further proceedings be taken."

The report is signed by J. Hood, president of the board, and Henry Leonard, major United States marine corps, judge advocate. Commander Hood also filed a minority report in which he says he concurs in the majority report and in addition he is of the opinion that Lieutenant Utley, Adams, Osterman, Willing and Bevan showed a deplorable lack of knowledge of their duties and obligations as officers holding commissions in the marine corps; and the testimony concerning the whole deplorable affair indicates a state of discipline then existing in the marine school of instruction, which is creditable to the service and argues strongly against the practice of commissioning and putting into positions of responsibility young men without proper previous training.

Severe Minority Report. He is also of the opinion that Lieutenant Adams, Adams and Osterman should have received milder punishments for engaging in a brawl with officers and gentlemen and he concurs in the recommendation that no further proceeding be taken at this time only because of the youth and inexperience of the officers, and because of their being in a sense, the victims of a system for which they themselves are not responsible.

In approving the findings and recommendations of the court and the judge advocate-general, acting Secretary Withrop says:

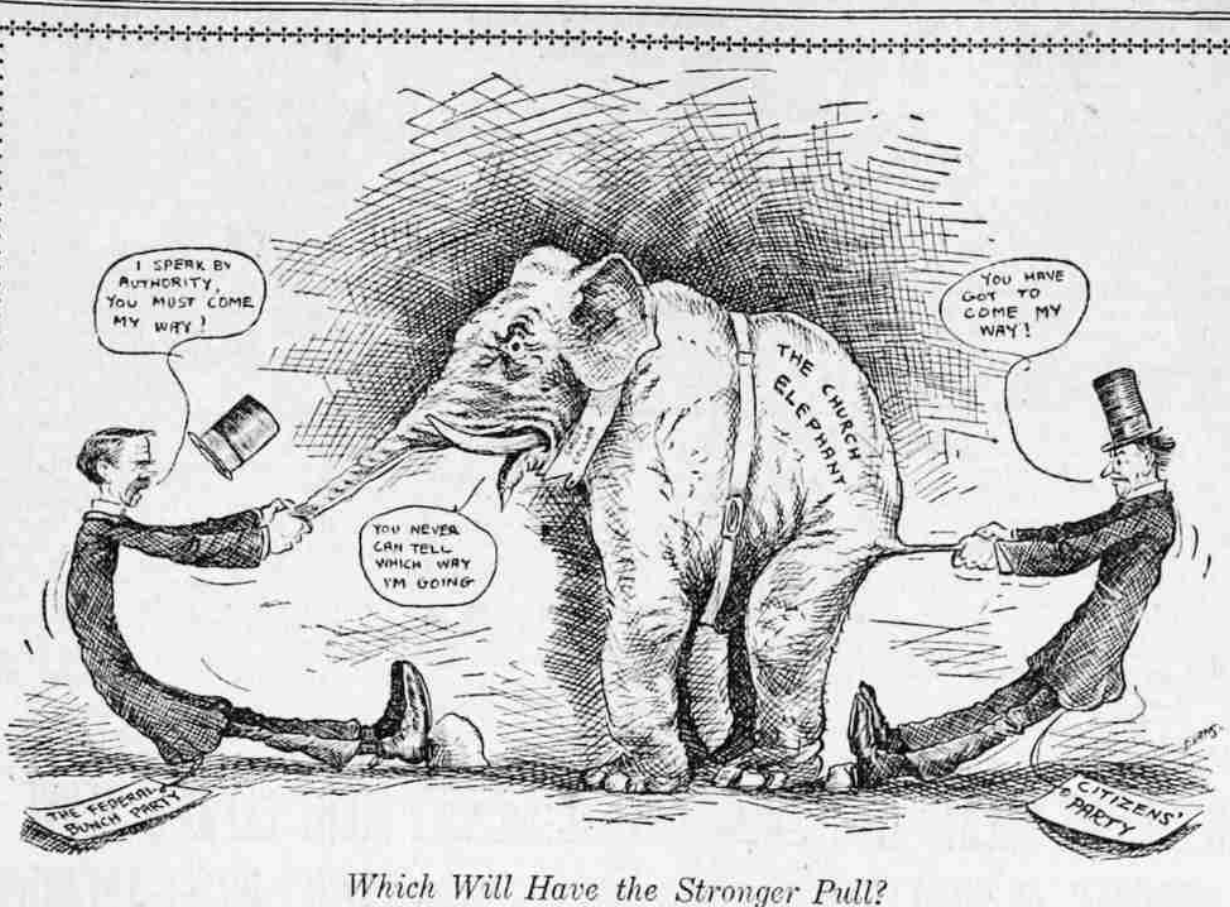
"By its concurrence in the opinion of the court and of that expressed in the minority report, the department indicates its thorough disapproval of the discipline shown by the evidence to have existed at the marine school of instruction prior to and at the time of the death of Lieutenant Sutton."

The results of this laxity have brought serious discredit not only on the officers directly responsible for the efficiency of the institution, but unfortunately on the marine corps as a whole."

Abstract of Report. In the beginning of its report the court says:

After due consideration of the testimony, the taking of which the widest latitude was allowed, and the fact that the object of the inquiry was to ascertain the truth, and not to establish any possible bit of testimony or fact that might in any way bear on the subject matter under inquiry; and after carefully weighing all the evidence, which, as might be expected, after the lapse of time and in view of the excitement under which the principal witnesses were laboring at the time of the occurrence of the matter under inquiry, is peculiarly mixed and contradictory, the court finds that certain facts stand out, clearly, distinctly and beyond dispute or cavil and does so. Accordingly at 2:30 p. m. the judge advocate was called before the court and directed to record, viz:

Disgraceful Quarrel. "That a quarrel took place in which fifty language, unbecoming an officer and a gentleman, was used by Second Lieutenant Sutton towards Second Lieutenant Adams in the presence of his mother, Lieutenant Utley, about 1 a. m. October 13, 1907; that Lieutenant Adams and nine cases containing specimens, trophies of the hunt, collected by the Roosevelt expedition in South Africa, were brought here today on the steamer Provincia from Marseilles. The specimens, representing twenty different kinds of animals, will be forwarded to the Smithsonian institute at Washington."



Which Will Have the Stronger Pull?

THAW ONCE MORE WITH THE INSANE

Slayer of Stanford White Eats Supper Behind the Walls of Matteawan.

CAN APPEAL TO COURT IF HE HAS COMPLAINT

Superintendent Declares He Will Be Treated Like Any Other Prisoner.

MATTEAWAN, N. Y., Aug. 18.—Harry K. Thaw ate his supper tonight at the Matteawan State hospital for the criminal insane.

He arrived at the institution ten minutes before 7 o'clock after a trip under escort from the White Plains jail, where he was forced to leave after several days' respite following the adverse ruling of Justice Isaac N. Mills on his application for release on a habeas corpus writ as a sane man.

Dr. Amos T. Baker, assistant superintendent of Matteawan, and two attendants brought Thaw back to the asylum from which he has fought hard to obtain his release.

At both the White Plains and Tarrytown stations a curious crowd assembled hoping to get a glimpse of the young millionaire, but the prisoner paid little attention to the demonstration.

Tomorrow the slayer of Stanford White will resume the monotonous routine of the asylum life.

Superintendent Lamb issued the following statement:

Treated as Before. "There will be no changes at all regarding Thaw's incarceration here. He will be subject to the same rules as before he left to go to White Plains. He will have a special room, not because he is Harry K. Thaw, but for the reason that this hospital was built to accommodate five hundred patients and we now have nearly eight hundred. We are very crowded, and some of the patients have small rooms which were built for the attendants. Thaw has one."

"I did not take it from Justice Mills' decision that Thaw was to have any special privileges. We will follow the court's order, however, and if Thaw is not satisfied he can appeal to the courts. At present we will adhere to the old routine."

"If Thaw should appeal for special privileges then both sides would have a chance to be heard. The judge is away and until he returns we will not be able to do so."

"I have not decided when he is to retire at night, but he will be given ample consideration in any request he may make."

STRAIN OF BITTERNESS IN MOTHER'S STATEMENT.

WHITE PLAINS, N. Y., Aug. 18.—Mrs. Mary Copley Thaw gave out the following statement today:

"The only request made for my son was that he be transferred to the Bloomingville asylum, although as a sane acquitted man he should have been liberated."

"There was no suggestion of bonds or any of the other fantastic features mentioned. It was simply the argument that an acquitted man ought not to be placed in a criminal institution."

"The thought was suggested that the judge would surely order this change if a personal appeal was made to him. Gladly my daughter offered to go. Twice she communicated with us here. The last message telling how fruitless the hard journey had been. She cannot be back before her brother leaves for Matteawan this afternoon."

"He goes with courage undaunted by this outrageous decision and we all look forward confidently to the action of the court of appeals. It cannot be that this illegal restraint of an acquitted man, known by everybody to be absolutely sane, can last much longer, no matter how vindictive those who would attempt to defeat justice may be."

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CORPORATION TAX IS SAFE, DECLARES TAFT

President Does Not Fear Result of Attempt to Test Its Constitutionality.

BEVERLY, Mass., Aug. 18.—Reports reaching Beverly daily from Washington and New York that the constitutionality of the new corporation tax is to be tested, have not disturbed the president in the least. He so declared himself today. The tests and the protests, the president said, were all anticipated by him. He himself, a lawyer of some eminence and father of the corporation tax idea, is thoroughly convinced that the tax will stand any test that may be applied to it. Attorney General Wickersham, a corporation lawyer of note, and Senator Root collaborated on the corporation provision of the tariff bill and the measure as enacted they believe will survive any attempt to nullify it.

Attorney General Wickersham is coming to see the president Friday to discuss with him a plan for reorganizing the duties of the interstate commerce commission and to permit Sherman anti-trust law and bringing interstate corporations more definitely under the control of one branch of the government.

Machinery Inadequate. According to Mr. Taft's view, the machinery for enforcing the law on the state books is inadequate. He believes the interstate commerce commission is overcrowded with work and that it ought to be reduced to permit of quick and executive body, its functions to be limited to the quasi-judicial investigation of complaints made by individuals and by a department of the government charged with the executive business of supervision. The president also believes that under the Sherman anti-trust law there is much to interfere with legitimate business, but by amendment it can be made an effective and just instrument.

To bring about a coalition of the law departments of the various government departments which have to deal with railroads and other interstate corporations and "trusts" so as to permit of quick and decisive action in cases of offense against the statute is one of the tasks which Secretary MacVeagh this week will come to Taft to take up with the president the appointment of members of the tariff advisory committee authorized in the tariff bill.

President Taft is said to believe that the commission will have sufficiently wide scope of action to gather almost any kind of tariff action that may be desired.

TROPHIES FROM TEDDY REACHING NEW YORK

NEW YORK, Aug. 18.—Twenty cases and nine cases containing specimens, trophies of the hunt, collected by the Roosevelt expedition in South Africa, were brought here today on the steamer Provincia from Marseilles. The specimens, representing twenty different kinds of animals, will be forwarded to the Smithsonian institute at Washington.

SLAYER OF OGDEN OFFICER CONFESSES

Arrested on Minor Charge in Omaha, Admits Killing of Deputy Sheriff Clark.

WAS ROBBING BOX CAR WHEN VICTIM APPROACHED

Prisoner Shows No Remorse, but Hopes to "Kill Another Policeman."

OMAHA, Neb., Aug. 18.—The local police have in custody a man giving the name of Charles Olsen, arrested on a minor charge, who confessed tonight to having killed Deputy Sheriff Clark, eight miles from Ogden, Utah, last November.

Olsen says he and another man were robbing a railroad box car and were interrupted by Deputy Clark and an assistant, who drove up in a wagon.

A revolver was fired and Olsen says that one of the men in the wagon was seriously wounded. The robbers next day learned that Clark had been killed.

On the night of the killing, Deputy Sheriff Seymour Clark and Deputy Sheriff Murphy had been called to Lincoln, eight miles east of Ogden, on the Union Pacific railroad, to serve for an Italian, who was thought to be dying.

They had placed the sick man in their vehicle and started upon the home trip when they saw two men standing near the railroad tracks. The suspicions of the officers were aroused by the actions of the men, and Deputy Sheriff Murphy got out of the vehicle and started toward them. One of the men then opened fire with a revolver, and the deputy was shot dead. In addition, Deputy Sheriff Murphy was shot through the right hand and the sick Italian received a bullet in the shoulder.

As soon as possible after the killing, a big posse took the trail of the murderer, but he escaped. Later, several arrests were made, but the right man escaped the dragnet.

HISTORY OF CRIME TO WHICH OLSEN CONFESSES

If Olsen is telling the truth regarding the murder of Deputy Sheriff Clark, a great load will be lifted from the shoulders of the Weber county sheriff's office, which has worked unrelentingly to the end that the murderer of the popular officer might be brought to justice.

On the night of the killing, Deputy Sheriff Seymour Clark and Deputy Sheriff Murphy had been called to Lincoln, eight miles east of Ogden, on the Union Pacific railroad, to serve for an Italian, who was thought to be dying.

They had placed the sick man in their vehicle and started upon the home trip when they saw two men standing near the railroad tracks. The suspicions of the officers were aroused by the actions of the men, and Deputy Sheriff Murphy got out of the vehicle and started toward them. One of the men then opened fire with a revolver, and the deputy was shot dead. In addition, Deputy Sheriff Murphy was shot through the right hand and the sick Italian received a bullet in the shoulder.

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FURTHER DEVELOPMENTS IN HEINZE LOAN CASES

NEW YORK, Aug. 18.—Developments today in the investigation of the Heinze copper stock loan cases included the giving of testimony by Richard S. Kaufmann and Leonard J. Fields before the grand jury and the statement by L. J. Vorhaus, attorney for A. D. F. Adams of Boston, that the Heinze loan would be produced here either tomorrow or Friday.

It had been agreed that \$12,000 bail would be accepted and furnished for him.

The Heinze loan, previously told Assistant District Attorney Nott that he asked John A. Young, president of the Windsor Trust company, to allow that company to act as an agent in making a \$50,000 loan to Persch on the copper stock. Kaufmann said Mr. Young consented.

HENEY MAY RECEIVE DEMOCRATIC INDORSEMENT

SAN FRANCISCO, Aug. 18.—An unexpected contest for the Democratic nomination in the office of district attorney, with Francis J. Heney and Charles M. Fickert ranged as the opposing candidates, was started today by the grand jury and the statement by L. J. Vorhaus, attorney for A. D. F. Adams of Boston, that the Heinze loan would be produced here either tomorrow or Friday.

It had been agreed that \$12,000 bail would be accepted and furnished for him.

FORTY-FIVE MILES HEAVY RAINSTORM OF TRACK GONE VISITS SALT LAKE

Second Cloudburst Adds to Big Cloudburst Does Much Devastation of Floods in Arkansas River Valley.

PUEBLO, COLORADO, IN DANGER OF INUNDATION

Many Trains on Rio Grande and Colorado Midland Tied Up Indefinitely.

DENVER, Aug. 18.—Another cloudburst at Four-Mile Creek, near Canon City, tonight made more disastrous the flood in the Arkansas river valley which since daybreak today threatened adjoining towns, washed out railroad tracks and tied up many trains containing tourists. The cloudburst was one of the heaviest in that section, and soon the river, swollen by mountain torrents, near Canon City, had risen eight feet, six inches. The trains of the Denver & Rio Grande and the Colorado Midland railroads were blocked at many places and scores of tourists were reported delayed at Pueblo, Salida, Grand Junction and other points, although the railway officials declared they were making every effort to detour the trains.

Canyons Became Torrents. The picturesque Royal Gorge, where the Arkansas river rushes through a canyon 100 feet deep, was a scene of wild fury. The water had reached the level of the famous Hanging Bridge, although the bridge itself was said to be intact. Many of the nearby canyons were washed clear of tracks.

Pueblo, the water tonight was splashing over the levee at the state asylum grounds, and with a six-inch raise the grounds of the asylum, as well as a large portion of the residence section nearby will be under water.

Furniture and goods stored near the river bottoms are being moved to places of safety.

Officials of the Denver & Rio Grande road here state that forty-five miles of their track between here and Salida, a distance of 100 miles, is washed out and that it will be at least a week before traffic can be resumed.

What was feared, however, is being run on the Denver & Rio Grande and the Colorado Midland by way of Alamosa, over both standard and narrow gauge roads.

More rain all over this section of the state is predicted.

CANON CITY UNDER WATER IN LOWER DISTRICTS

PUEBLO, Colo., Aug. 18.—Canon City, forty miles west of Pueblo, is this morning suffering from one of the worst floods in its history. Some streets, it is reported, are flooded to a depth of several feet, the yards of the Atkinson, Topke & Santa Fe and other water and some track of the Denver & Rio Grande has been washed away. The Ninth street bridge, a steel structure, was carried out and several other bridges are reported damaged. A considerable amount of stock in pens at the slaughter houses was carried away and some cabins destroyed. In the Royal Gorge the river is reported to be twenty feet above normal mark.

Reports reached here early this morning that Howard, a village about eighty miles away, had been almost completely destroyed, but later communication long distance telephone showed that the town escaped serious damage. The report of the coming flood reached Pueblo at 3 o'clock this morning, and a few minutes later the whistling of locomotives and the clanging of the bells aroused the people living in the river bottoms to their danger. For hours five thousand people labored frantically to move their belongings to higher ground, but their fears proved groundless, as although the river rose several feet, serious damage was done. So far as reported this morning, no loss of life has resulted from the flood, but the damage, which is the severest on the railroads, may reach \$250,000.

ARMY OF THE RED IS GAINING GROUND

BOSTON, Aug. 18.—Gen. Tasker H. Bliss and his invading army of the Red tattered tonight at least five miles nearer Boston than they were twenty-four hours ago, as a result of today's operations in the war game.

Bliss, who left of the Massachusetts army of defense, known as the Blue, under command of Brig.-Gen. William A. Paw, was hampered unmercifully so that the entire left wing was forced to retreat. The Blue army also suffered the loss of one battery and a wagon.

Far superior in actual numbers and in cavalry, the Red force swept down upon the Blue's left and drove them first into one position and then another, with irresistible force. For the last three days General Bliss has moved his army in three divisions.

In other words, the flying squadron has been beaten by his infantry strength and the Blue army, with an unusable strength it proved to be, with the experienced Tenth colored cavalry to infuse new life into the volunteer cavalrymen.

The work of the cavalry army was most brilliant and of untold assistance. From the beginning of the war at 8 o'clock Sunday morning, the Red troops of cavalry have practically done all the fighting for General Bliss, and it was only in the last hour of today's battle that the infantry's strength of the Red army was ordered into action.

While today's fighting forced General Paw to retreat and move his division headquarters from Robins' Pond back to South Hensons, the engagement was regarded as merely preliminary to a great "battle," which will be fought probably tomorrow.

BOY FATALLY STABBED IN QUARREL OVER GIRL

NOGALES, ARIZ., Aug. 18.—Arturo Rodriguez, the 14-year-old boy who was stabbed Monday night by Enrique Paredez, also aged 14, during a quarrel over a girl, died today. A coroner's jury charged Paredez with murder. Both boys being Mexican citizens. Paredez will be tried in Sonora, although the crime was committed on the American side of the line.

NOTABLE CEREMONIES AT DENVER CATHOLIC CHURCH

SANTA FE, N. M., Aug. 18.—Bishop Matz of Denver today, at the cathedral, invested Archbishop Jean Baptiste Pitaval of the archdiocese of Santa Fe, with the pallium with investiture ceremonies and in the presence of a large congregation, including seventy-five other members of the hierarchy and clergy from the Southwest and as far east as Chicago.

For the first time in many years the Gregorian chant was sung in the cathedral by two choirs of priests. Bishop Matz was celebrated by the Rev. Fr. Phillips of Denver and the Rev. Fr. Phillips of Denver and the Rev. Fr. Phillips of Denver.

At a banquet this afternoon at the Loretto academy was attended by all the visiting prelates and priests and Governor Curry and Mayor Sena. This evening at the archepiscopal palace a public reception was tendered to the archbishop. Archbishop Pitaval is a native of France and for many years was a priest in the diocese of Denver until elevated to be bishop of the diocese of Tucson, Arizona.

Chicago Bridge Falls; MANY ARE INJURED

CHICAGO, Aug. 18.—Ten persons were injured seriously and twenty others had narrow escapes tonight when 250 feet of the Twelfth street bridge over the river and viaduct collapsed. It was thought at first that several had been killed, but workmen digging in the ruins have not found any bodies.

The accident occurred just after a street car had run part way across the bridge and thirty passengers had alighted to walk over the dangerous footway to get another car. The passengers were hurled in a bundled group when there was a rumbling and a crash and the footway sank beneath them, carrying many to the pits below.

Many escaped by clinging to side timbers. Several of the injured were found with their legs and arms broken and internal injuries. The bridge was weakened by construction work.